

**STATE OF MINNESOTA  
BOARD OF ARCHITECTURE, ENGINEERING,  
LAND SURVEYING, LANDSCAPE ARCHITECTURE,  
GEOSCIENCE AND INTERIOR DESIGN**

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND ORDER**

In the Matter of

William Wells, Unlicensed

Board File No. 2009-0038  
OAH Docket No. 58-1006-21203-2

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("the Board") convened on July 22, 2010, to consider the above-entitled matter. Christopher Kaisershot, Assistant Attorney General, 1300 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2134, was present to advise the Board.

The above-entitled matter came on for a hearing before Administrative Law Judge Linda F. Close of the Office of Administrative Hearings on April 16, 2010.

Nathan J. Hartshorn, Assistant Attorney General, 1800 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2134, appeared at the hearing, representing the Complaint Committee ("the Committee") of the Board. Respondent William Wells ("Respondent") appeared, representing himself. At the hearing, Respondent requested permission to submit his closing argument in writing. ALJ Close granted this request. Upon the ALJ's receipt of Respondent's brief on May 5, 2010, the ALJ declared the record closed.

The Board received ALJ Close's Findings of Fact, Conclusions, Recommendation, and Memorandum ("the Report") on May 25, 2010. By letter dated May 25, 2010, the Board informed Respondent and the Committee of their rights (1) to file, on or before June 22, 2010, Exceptions with the Board regarding the Administrative Law Judge's Report; (2) to file a

Proposed Findings of Fact, Conclusions of Law and Order, on or before the same date; and (3) to present oral argument to the Board on July 22, 2010 prior to its deliberations. The Committee submitted a Proposed Findings of Fact, Conclusions of Law and Order, but declined to submit Exceptions. Respondent did not submit written exceptions, although he appeared before the Board and presented additional materials during oral argument for the Board's consideration.

Based on its independent review of all the files, records and proceedings herein, and upon the Report of the Administrative Law Judge, the Board makes the following:

#### FINDINGS OF FACT:

- 1) The Board adopts in their entirety and incorporates as its own all of the Findings of Fact contained in the ALJ's report.
- 2) Any Finding of Fact herein, which should more properly be deemed a Conclusion of Law, is hereby adopted as such.
- 3) To the extent that the ALJ's Memorandum contains additional facts, the Board incorporates them herein.

Based upon the foregoing Findings of Fact, the Board makes the following:

#### CONCLUSIONS:

- 1) The Board adopts in their entirety and incorporates as its own all of the Conclusions contained in the ALJ's report
- 2) Any Conclusion of Law herein, which should more properly be deemed a Finding of Fact, is hereby adopted as such.
- 3) The ALJ's Memorandum is hereby incorporated into these Conclusions
- 4) This Order is in the public interest.

Based on these Findings and Conclusions, as for the reasons explained in the ALJ's Memorandum which the Board has adopted and incorporated herein by reference, the Board makes the following order:

**ORDER**

**NOW, THEREFORE, IT IS HEREBY ORDERED**, pursuant to Minn. Stat. §§ 326.02, subds. 1 and 2, and 326.111, subds. 1, 3(a) and 3(d) (2008), that the Cease and Desist Order issued to Respondent by the Committee on March 15, 2010, is modified as follows: Respondent shall cease and desist from holding himself out as an architect in the State of Minnesota until he becomes licensed pursuant to Minn. Stat. § 326.10 (2008).

Dated: July 22, 2010

MINNESOTA BOARD OF ARCHITECTURE,  
ENGINEERING, LAND SURVEYING,  
LANDSCAPE ARCHITECTURE, GEOSCIENCE  
AND INTERIOR DESIGN

  
\_\_\_\_\_  
KRISTINE KUBES, J.D., Chair



MAY 26 2010

## MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

600 North Robert Street  
Saint Paul, Minnesota 55101

Mailing Address:  
P.O. Box 64620  
St. Paul, Minnesota 55164-0620

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TTY: (651) 361-7878  
Fax: (651) 361-7936

May 25, 2010

Doreen Frost  
Executive Director  
MN Board of AELSLAGID  
Suite 160  
85 E Seventh Place  
St. Paul, MN 55101

Re: *In the Matter of William Wells, Unlicensed*  
OAH Docket No. 58-1006-21203-2

Dear Ms. Frost:

Enclosed please find the original **Findings of Fact, Conclusions and Recommendation** in the above-entitled matter. Also enclosed is the official record, along with the transcript of the hearing (one volume).

Sincerely,

*Linda F. Close /dsc*

LINDA F. CLOSE  
Administrative Law Judge

LFC:dsc  
Enclosure

✓ OF  
Lynette  
pls.  
File -  
JMT

OF

AELSLAGID 001

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING,  
LANDSCAPE ARCHITECTURE, GEOSCIENCE & INTERIOR DESIGN

In the Matter of William Wells, Unlicensed

**FINDINGS OF FACT,  
CONCLUSIONS AND  
RECOMMENDATION**

The above-entitled matter came on for hearing before the undersigned Administrative Law Judge on April 16, 2010.

William Wells (Respondent) appeared on his own behalf. Nathan J. Hartshorn, Assistant Attorney General, appeared on behalf of the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience & Interior Design (the Board) Complaint Committee. The Committee made its closing argument on the record at hearing on April 16, 2010. The record closed on May 5, 2010, upon receipt of the brief of William Wells who had requested to file a written closing argument.

**STATEMENT OF THE ISSUES**

Should the Board vacate, modify or make permanent its March 15, 2010 Cease and Desist Order (the Order) prohibiting the Respondent from holding himself out as an architect?

Based on the evidence in the hearing record, the Administrative Law Judge makes the following:

**FINDINGS OF FACT**

1. Respondent holds a masters degree in architecture from the University of Minnesota, which degree he received in 2007.<sup>1</sup> To become licensed as an architect in Minnesota, a candidate must comply with requirements of the National Council of Architect Registration Boards (NCARB). NCARB administers the intern development program (IDP), which sets training requirements for architects. NCARB also provides a national exam that is developed through 55 participating jurisdictions. This allows

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<sup>1</sup> Ex. B1.

reciprocity among all the participating jurisdictions because the exam is the same everywhere.<sup>2</sup>

2. Respondent is an NCARB IDP record holder, which means he is pursuing training requirements to become licensed as an architect.<sup>3</sup>

3. On December 29, 2008, the Board's Executive Director, Doreen Frost, filed a complaint against Respondent alleging that he had held himself out as an architect and had offered to provide architectural services for residential and commercial projects. Ms. Frost attached to the complaint a copy of a November 20, 2008, letter from Respondent and his company.<sup>4</sup> That letter begins "I am an architect working in your neighborhood on several different projects." The letter further states: "I love being an architect and seeing my clients [sic] dreams come into reality" and "My office handles architectural, land surveying, and engineering needs for residential and commercial projects." The letter is signed "William Wells."<sup>5</sup>

4. In addition, Ms. Frost attached to the complaint a page from Respondent's website. The website page includes the following statement: "A Decade of Experience in the Professional Field of Architecture and Construction."<sup>6</sup>

5. The website page also lists various projects to show Respondent's experience. For 2007, the website lists a commercial project and names the project architect as Jim Widder. For 2008, the website lists four residential and two commercial projects. No project architect is listed for the two commercial projects.<sup>7</sup>

6. On January 6, 2009, a Board investigator, Lynette DuFresne, sent a letter to Respondent informing him that an investigation was underway based on a complaint that he may have held himself out to the public as an architect or may have practiced architecture without a license. The letter specifically referenced the November 20, 2008 letter and the website page listing the two commercial projects in 2008.<sup>8</sup>

7. On January 14, 2009, Respondent provided a written response to Ms. DuFresne's letter. He acknowledged incorrectly referring to himself as an architect in the November letter, which he had sent to persons in the neighborhood where he had been working. He explained that referring to himself as architect was a marketing error, and he should have referred to himself as a residential designer instead.<sup>9</sup>

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<sup>2</sup> T. 132-34. T. refers to the transcript of the hearing held on April 16, 2010. Arizona and perhaps only one other state do not require a licensure applicant to participate in the IDP. T. 134.

<sup>3</sup> T. 60-2; Ex. B2.

<sup>4</sup> Ex. 1.

<sup>5</sup> Ex. 2. The Board office received a copy of the letter in the mail. T. 18. The sender of the letter did not identify him or herself. T. 21.

<sup>6</sup> Ex. 3.

<sup>7</sup> Ex. 3.

<sup>8</sup> Ex. 4.

<sup>9</sup> Ex. 5.

8. As to the two commercial projects listed under 2008 on Respondent's website, Respondent explained that on one of the projects he did graphic design for the project architect and on the other he provided graphic design services for a project that did not require architectural plans. The letter closed with Respondent's promise to clarify his website and comply with Minnesota law.<sup>10</sup>

9. After receiving Respondent's response to the allegations, Ms. DuFresne consulted with Paul May, an architect member of the Board who serves on the Complaint Committee. In June 2009, Mr. May conferred with other Committee members. The Committee continued to discuss the case in the following months. At some point, the Committee proposed to Respondent a stipulation for the issuance of a cease and desist order along with a civil fine of \$500.00. Respondent asked instead to meet with the Committee.<sup>11</sup>

10. Sometime in September 2009, Respondent met with the Committee.<sup>12</sup>

11. On November 3, 2009, the Board notified Respondent that his application to sit for the Architect Registration Examination (ARE) had been approved.<sup>13</sup> On March 1, 2010, the Board informed Respondent that he had passed the Construction Documents and Services portion of the ARE.<sup>14</sup>

12. The Board has authorized the Committee to issue cease and desist orders pursuant to Minn. Stat. § 326.111, subd. 3.<sup>15</sup> On March 15, 2010, the Committee issued a Cease and Desist Order and Notice of Right to Hearing to Respondent.<sup>16</sup> The Order recited as the basis for its issuance the three statements in the November 20, 2008, letter quoted in Finding of Fact number 3 above and Respondent's website statement quoted in Finding of Fact number 4 above.<sup>17</sup>

13. From the Order, the Respondent requested this hearing.

Based on these Findings of Fact, the Administrative Law Judge makes the following:

### CONCLUSIONS

1. The Administrative Law Judge and the Board have jurisdiction over this matter pursuant to Minn. Stat. §§ 14.50 and 326.111.

2. The Notice of Hearing is proper in all respects. The Board has complied with all procedural requirements of law and rule.

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<sup>10</sup> Ex. 5.

<sup>11</sup> T. 28-30; T. 75.

<sup>12</sup> T. 53-4.

<sup>13</sup> Ex. B3.

<sup>14</sup> Ex. B5.

<sup>15</sup> T. 30.

<sup>16</sup> Ex. 6.

<sup>17</sup> Ex. 6.

3. A person who engages in the practice of architecture is required to be licensed by the Board as an architect.<sup>18</sup>

4. It is unlawful for a person to practice architecture; to solicit business as an architect; to use the title of architect; to advertise oneself as an architect; or to use a description that gives the impression that the person is an architect unless that person is duly licensed by the Board.<sup>19</sup>

5. The Board or its complaint committee may issue a cease and desist order to a person to cease and desist from the unauthorized practice of architecture or from violating a statute, rule or order of the Board.<sup>20</sup>

6. At a hearing regarding the cease and desist order, the burden is on the Board to show, by a preponderance of the evidence, that the subject of the order engaged in the unauthorized practice of architecture or violated a statute, rule or order of the Board.<sup>21</sup>

7. The Board has met its burden of proving that Respondent violated a statute, rule or order of the Board.

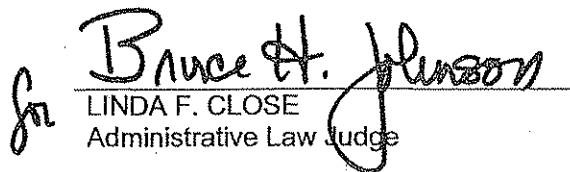
8. The Administrative Law Judge adopts as Conclusions any Findings that are more appropriately described as Conclusions.

Based upon these Conclusions, and for the reasons explained in the accompanying Memorandum, the Administrative Law Judge makes the following:

#### RECOMMENDATION

Based upon these Conclusions, the Administrative Law Judge recommends that: The Board make permanent the Committee's March 15, 2010, Cease and Desist Order.

Dated: May 24, 2010

  
LINDA F. CLOSE  
Administrative Law Judge

Reported: Transcript of hearing

<sup>18</sup> Minn. Stat. § 326.02, subd. 1.

<sup>19</sup> *Id.*

<sup>20</sup> Minn. Stat. § 326.111, subd. 3.

<sup>21</sup> Minn. R. 1400.7300, subp. 5.



## NOTICE

This Report is a recommendation, *not* a final decision. The Board will make the final decision after reviewing the hearing record. The Board may adopt, reject or modify these Findings of Fact, Conclusions, and Recommendations. Under Minnesota Statutes, Section 14.61, the Board may not make its final decision until after the parties have had access to this Report for at least ten days. During that time, the Board must give each party adversely affected by this Report an opportunity to file objections to the report and to present argument. Parties should contact the Executive Director, Doreen Johnson Frost, 85 East Seventh Place, Suite 160, St. Paul, MN 55101 to find out how to file objections or present argument.

The record of this contested case proceeding closes upon the filing of exceptions to the report and the presentation of argument to the Board, or upon the expiration of the deadline set by the Board for doing so. The Board must notify the parties and the Administrative Law Judge of the date on which the record closes. Pursuant to Minn. Stat. § 326.111, subd. 3, the Board must issue its decision vacating, modifying, or making permanent the cease and desist order within 30 days of receiving this report.

Under Minn. Stat. § 14.62, subd. 1, the agency is required to serve its final decision upon each party and the Administrative Law Judge by first class mail or as otherwise provided by law.

## MEMORANDUM

Minn. Stat. § 326.02 provides:

It is unlawful for any person to practice, or to offer to practice ...architecture...or to use in connection with the person's name, or to otherwise assume, use or advertise any title or description tending to convey the impression that the person is an architect...unless such person is qualified by licensure....<sup>22</sup>

In this case, the Respondent has admitted referring to himself as an architect in the November 2008 letter, and further has admitted that the letter was sent to others as marketing material. There can be no serious dispute that the letter was an advertisement meant to offer Respondent's services as an architect. Similarly, the statement on the Respondent's website "A Decade of Experience in the Professional Field of Architecture and Construction" seems calculated to mislead the public into thinking that Respondent is an architect.

Respondent at one time seemed to understand that such statements are unlawful if the person making them is not licensed as an architect. His letter of January 14, 2009, certainly conveyed that understanding and promised to correct these transgressions. Since then, and apparently because the Committee issued the Order,

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<sup>22</sup> Minn. Stat. § 326.02, subd. 1.

he has proffered a number of arguments to justify his statements. None of these arguments have merit.

Respondent first attempts to obfuscate the issue by arguing that he was not engaged in unlawful practice of architecture in that his commercial projects always had a licensed professional overseeing his work.<sup>23</sup> Although the investigator raised the unauthorized practice issue at the outset, the Committee clearly accepted Respondent's explanation for the omission of the names of project architects on the two 2008 commercial projects listed on Respondent's website. The three statements in the November 2008, letter and the "Decade of Experience" statement on the website form the factual basis for the Order.<sup>24</sup> Respondent's use of the title "architect" in connection with the November 2008 advertising letter and the website description conveying the impression that Respondent is an architect form the legal basis for the Order. Contrary to the Respondent's argument, the Order nowhere suggests that Respondent unlawfully practiced architecture, and no action was taken against Respondent for practicing architecture without a license.

Respondent next argues that the vague language of the Order will prevent him from completing the NCARB training requirements remaining for him to become licensed. The Order does not do this. It prohibits Respondent from "holding himself out as an architect in Minnesota, and from further violations of [Minn. Stat. § 326.02-15] until such time as he becomes licensed as an architect."<sup>25</sup> Respondent must fulfill the NCARB training requirements, none of which require him to advertise himself as an architect. NCARB requirements are incorporated by reference into Minnesota law. It is absurd to suggest that Minnesota law mandates violation of the law to become licensed as an architect, which is the illogical conclusion from Respondent's argument.

Respondent further argues that his November 2008 advertising letter is lawful because single-family dwellings may be designed by someone who is not an architect.<sup>26</sup> Respondent again misses the point of the Committee's Order. The Order does not proscribe design of exempt structures such as a single-family dwelling. It prohibits Respondent from calling himself an architect in connection with such work. "Architect" is a title protected by Minnesota law requiring its users to be licensed. Respondent may design exempt structures; he may not tell others he is doing so as an architect.

Respondent persists in his mistaken belief that the Committee's Order is based on unauthorized practice when he raises a due process argument. Essentially, he argues that Ms. Frost, as the complainant in this matter, also served as the gatekeeper of exculpatory information which, had the Committee received it, would have avoided the Committee's unauthorized practice finding against him. Most obviously, this argument must fail because the Committee did not make a finding of unauthorized

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<sup>23</sup> It is not unlawful for someone who is unlicensed to design a one or two-family residential structure. Minn. Stat. § 326.03, subd. 2 (a) (b).

<sup>24</sup> See Ex. 6, ¶¶ 3-7.

<sup>25</sup> See Ex. 6, p. 3.

<sup>26</sup> See Minn. Stat. § 326.03, subd. 2 (a).

practice. Moreover, Respondent failed to show that the Committee did not receive the information. Mr. May testified that the Committee did receive it and did not include unauthorized practice findings in the Order.<sup>27</sup> Ms. DuFresne also testified that the Committee received all the information that was gathered as part of the investigation.<sup>28</sup>

Respondent's final argument is that the Order violates his First Amendment rights. He relies on a Colorado case, *Johnson v. Colorado Bd. Of Examiners of Architects*, to argue that the Order is an overly restrictive means for the Board to accomplish its duty to protect the public. *Johnson* is inapposite. The Plaintiff there was a politician who, on two occasions, described himself as an "architect" in political advertising.<sup>29</sup> The court applied a strict scrutiny standard of review because the Plaintiff was engaged in political speech. It found that the Colorado board's cease and desist order did not protect the public through the least restrictive means because the Plaintiff was not using the word "architect" in connection with work involving architecture.

By contrast, Respondent is using the word "architect" in connection with his design of buildings, even though he is not licensed as an architect. Under Minnesota law, only a licensed architect may use the title "architect."<sup>30</sup> By using the title, Respondent is holding himself out as someone fully trained and licensed when he is not. The apposite authority in such a case is *Bates v. Arizona State Bar Association*, in which the Court ruled that false and misleading advertising remains subject to restraint.<sup>31</sup> The language of Respondent's November 2008 letter and his website was false and misleading in that it expressly stated or implied that he is an architect. He is not an "architect" as defined by Minnesota law, and he will not become so until he is licensed.

Because the violations of law are clear here and because Respondent's arguments lack substance, the ALJ recommends the Board make permanent the Committee's Order.

L. F. C.

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<sup>27</sup> T. 88.

<sup>28</sup> T. 65-66.

<sup>29</sup> *Johnson*, 05 CV 6546 (D. Ct. CO 2006)

<sup>30</sup> Minn. Stat. § 326.02, subd. 1.

<sup>31</sup> 433 U.S. 350 (1977).

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
ADMINISTRATIVE LAW SECTION  
PO BOX 64620  
600 NORTH ROBERT STREET  
ST. PAUL, MINNESOTA 55164

**CERTIFICATE OF SERVICE**

In the Matter of William Wells, Unlicensed	OAH Docket No.: 58-1006-21203-2
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Denise Collins, certifies that on the 24<sup>th</sup> day of May, 2010, she served a true and correct copy of the attached **Findings of Fact, Conclusions and Recommendation** by placing it in the United States mail with postage prepaid, addressed to the following individuals:

Nathan J. Hartshorn  
Assistant Attorney General  
1800 Bremer Tower  
445 Minnesota St  
St. Paul, MN 55101

William Wells  
1716 Jefferson St NE  
Minneapolis, MN 55413

Doreen Frost  
Executive Director  
MN Board of AELSLAGID  
Suite 160  
85 E Seventh Place  
St. Paul, MN 55101

## COMPLAINT REGISTRATION FORM

RECEIVED

DEC 29 2008

MINNESOTA BOARD OF  
ARCHITECTURE, ENGINEERING, LAND SURVEYING,  
LANDSCAPE ARCHITECTURE, GEOSCIENCE & INTERIOR DESIGN  
(AELSLAGID)  
85 E 7th Place, Ste 160  
St. Paul, MN 55101-2113

You may use this form to file a complaint against an architect, engineer, land surveyor, landscape architect, geoscientist or interior designer. You may also use this form to file a complaint against an individual engaged in the unauthorized practice of a profession regulated by the Board. Your complaint may be disclosed to members, employees and consultants of the Board and to employees of the Minnesota Attorney General's Office. Under certain circumstances your complaint, or a summary of your complaint, may be disclosed to the person you are complaining against or to other persons who might have information about the matter. It also may be necessary to disclose your complaint and related investigative data to an administrative law judge. You are not legally required to complete or return this form. However, if you do not provide the information requested in this form, the Board may not be able to evaluate your complaint.

Board of AELSLAGID  
Complainant's Name

85 E. 7th Place, Ste. 160  
Address

St. Paul, Minn. 55101  
City, State, Zip Code

651-757-1510  
Office Telephone

\_\_\_\_\_  
Home Telephone

William Wells *unlicensed*  
Name of individual whom complaint  
is filed against WELLS AND COMPANY

1716 JEFFERSON ST NE  
Address

MINNEAPOLIS, MN 55413  
City, State, Zip Code

612-669-2052  
Office Telephone

Exhibit 1

AELSLAGID 010

STATEMENT OF COMPLAINT

RECEIVED  
DEC 29 2008

I am registering this complaint against William Wells, Wells and Company, 1716 Jefferson Street North East, Minneapolis, Minnesota, 55413, 612-669-2052, who allegedly held himself out as an Architect by calling himself an Architect and by offering to provide architectural services for both residential and commercial projects. William Wells allegedly is not licensed as an Architect in the State of Minnesota. It is alleged that William Wells may have practiced Architecture on two commercial projects, Ivy-Woman's Clothing Store and CurryUp a new Restaurant, Maple Grove, Minnesota as stated on the Wells and Company website.

I offer as background information a copy of an advertisement letter dated November 20, 2008 from William Wells, Wells and Company, showing that he states he is an Architect and as being able to perform services for 'Architectural, Land Surveying, and Engineering needs for residential and commercial projects'. See Exhibit A. On the Wells and Company website under the section About Us, it states William Wells, President and his project experiences. Under the year 2008 it lists two commercial projects, Ivy-Woman's Clothing Store and CurryUp a new Restaurant in Maple Grove, Minnesota. See Exhibit B.

The Board may take action against the licensee as stated in Minnesota Statutes section 326.02, subdivisions 1 and 2 (2006):

Subdivision 1. **Licensure or certification mandatory.** In order to safeguard life, health, and property, and to promote the public welfare, any person in either public or private capacity practicing, or offering to practice, architecture, professional engineering, land surveying, landscape architecture, or professional geoscience, or using the title certified interior designer in this state, either as an individual, a copartner, or as agent of another, shall be licensed or certified as hereinafter provided. It shall be unlawful for any person to practice, or to offer to practice, in this state, architecture, professional engineering, land surveying, landscape architecture, or professional geoscience, or to use the title certified interior designer, or to solicit or to contract to furnish work within the terms of sections 326.02 to 326.15, or to use in connection with the person's name, or to otherwise assume, use or advertise any title or description tending to convey the impression that the person is an architect, professional engineer (hereinafter called engineer), land surveyor, landscape architect, professional geoscientist (hereinafter called geoscientist), or certified interior designer, unless such person is qualified by licensure or certification under sections 326.02 to 326.15. This subdivision does not preclude an individual who retired from one of the professions listed in this subdivision from using the designation architect, professional engineer, land surveyor, landscape architect, professional

AELSLAGID 011

geoscientist, or certified interior designer as long as the designation is preceded by the word "retired" and the individual was licensed or certified in the designated profession in the state of Minnesota on the date the individual retired from the designated profession and the individual's license or certification was not subsequently revoked by the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design.

Subdivision. 2. Practice of architecture. Any person shall be deemed to be practicing architecture, within the meaning of sections 326.02 to 326.15, who holds out as being able to perform or who does perform any professional service, such as planning, design, or supervision of construction for the purpose of assuring compliance with specifications and design, in connection with any private or public buildings, structures or projects, or the equipment or utilities thereof, or the accessories thereto, wherein the safeguarding of life, health, or property is concerned or involved, when such professional service requires the application of the art and science of construction based upon the principles of mathematics, aesthetics, and the physical sciences, acquired by education or training, and by experience. For the purposes of this subdivision "supervision" is a professional service as distinguished from superintending of construction and means the performance or the supervision thereof, of reasonable and ordinary on the site observations to determine that the construction is in substantial compliance with the approved drawings, plans and specifications.

Minnesota Board of Architecture, Engineering,  
Land Surveying, Landscape Architecture,  
Geoscience, and Interior Design

December 29, 2008



Doreen Frost, Executive Director

Wells and Company  
Affordable Design, Engineering, and Land Surveys

DEC 15 2008

November 20, 2008

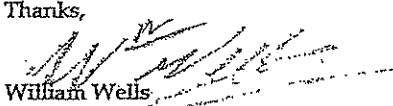
I am an architect working in your neighborhood on several different projects. I wanted to take this opportunity to share with you the new house I designed at 4704 York Ave S. The house is currently under construction and 50% complete. I have received a lot of positive comments from neighbors about the design of the new house. The style of the house is "International Modernism." Please see my attached drawing showing what the house will look like finished. I appreciate your feedback and patience during the construction. I know the Hayne family is eager to move in and join your community. If you have any questions about the project please email me.

My office has been very busy this fall working on many projects in South Minneapolis. This may seem counter intuitive since the economy has slowed down since 2003. But many homeowners, developers, and business owners are seeing this as an opportunity to take advantage of affordable material prices and labor prices. From the year 2003 to 2008 the cost of copper, stainless steel, wood, and sub contractor labor has gone down as much as 50% due to the lower demand for new home construction. This means that your dollar goes twice-as-far today in the construction industry.

My office handles architectural, land surveying, and engineering needs for residential and commercial projects. We provide the drawings you need for design, pricing, and permit applications. We work at all scales from new decks to kitchen remodels, additions, and new construction. It is a great job, I love being an architect and seeing my clients dreams come into reality. I wish you a Happy Thanksgiving!

Please keep us in mind for your next project. E-mail me anytime. [wellsandcompany@yahoo.com](mailto:wellsandcompany@yahoo.com)

Thanks,

  
William Wells  
Wells and Company:  
612.669.2052  
[www.wellsandcompany.info](http://www.wellsandcompany.info)



[wellsandcompany@yahoo.com](mailto:wellsandcompany@yahoo.com) 1716 Jefferson St NE, Minneapolis, MN 55413 612-669-2052

Exhibit 2

AEISLAGID 013



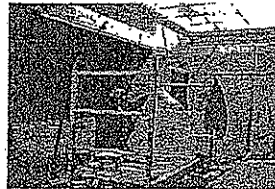
[← Home Page](#)

## Wells and Company

Affordable Design and Land Surveys

"Providing the Drawings You Need for Design, Pricing, and Permit Applications..."

[Commerical Projects](#)   [Residential Projects](#)   [Lot Surveys](#)   [About Us](#)



William Wells  
President



**"...continuously checking and re-checking our work."**

Our Mission is to provide you the best possible design service at an affordable price. We are committed to customer service and quality construction. Please contact us to set up a free design consultation.

William Wells, president  
Wells & Company: Affordable Residential Design

### Project Experience:

#### 2008

**Residential:** Pamiko Properties - Remodels  
Providing the design and plans for the renovation of 80 houses in Mpls.

**Residential:** Bement Residence - Remodel

**Residential:** McCabe Residence - Remodel

**Residential:** Dinkytown Townhouses

**Residential:** Hayne Residence - New House

**Commercial:** Ivy - Woman's Clothing Store

**Commercial:** CurryUp a new Restaurant  
Maple Grove, MN  
[www.curryupfoods.com](http://www.curryupfoods.com)

#### 2007

**Medical:** Interventional Pain and Prevention  
Medical Clinic, Sartell, MN  
Duties: Design, Drafting  
Project Architect: Jim Widder

**Residential:** Farm School Schematic Package  
Designer and Graphic Technician  
Status: Under Review  
Project Architect: Jim Widder

**Residential:** Hart Residence

**Residential:** Nelson Residence

#### 2006

**Residential:** Quyen Tu Residence

**Residential:** 4832 Westbrook Ln - New House

**Residential:** 6517 Belmont Ln - New House

#### 2005

**Residential:** 3102 Russell Ave N. - New House

**Residential:** Johnson Residence - Addition

**Residential:** Millsop Residence - Kitchen Remodel

**Residential:** Wells Residence - New Deck

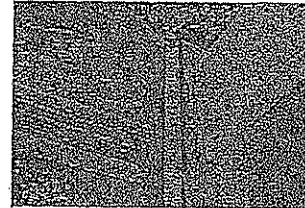
#### 2004

Employed at Manzo Residential Architects in St. Louis, MO

#### 2002-2003

Employed at Coningham Group Architects

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612.669.2052



Picture Taken at  
Quyen Tu Residence  
Construction  
Administration

**Exhibit 3**